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10 Attorneys for Defendant  
**BIC USA, INC.**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

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1 TO: THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR  
2 RESPECTIVE ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that the following attorney hereby states his  
4 appearance for defendant BIC USA, INC.:

5 BENJAMIN T. MORTON (SBN 199158)  
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9  
10 Dated: December 31, 2007

GORDON & REES LLP

11  
12 /S/BENJAMIN T. MORTON  
13 By: Benjamin T. Morton  
14 Attorneys for Defendant BIC  
15 USA, INC.  
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## PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: 101 W. Broadway, Suite 1600, San Diego, CA 92101. On December 31, 2007, I served the within documents:

**NOTICE OF APPEARANCE OF ATTORNEY FOR DEFENDANT  
BIC USA, INC.**

6  by transmitting via facsimile the document(s) listed above to the fax  
7 number(s) set forth below on this date before 5:00 p.m.

8  by placing the document(s) listed above in a sealed envelope with postage  
9 thereon fully prepaid, in United States mail in the State of California at  
10 San Diego, addressed as set forth below according to Fed.R.Civ.P. 4 and  
11 5.

12  by personally delivering the document(s) listed above to the person(s) at  
13 the address(es) set forth below.

14  by Federal Express. I deposited said document(s) in a box or other  
15 facility regularly maintained by the express service carrier providing  
16 Federal Express overnight delivery pursuant to Code of Civil Procedure  
17 §1013(c).

18  **BY ELECTRONIC FILING.** I caused all of the pages of the above-  
19 entitled document(s) to be electronically filed and served on designated  
20 recipients through the Electronic Case Filing system for the above-  
21 entitled case. The file transmission was reported as successful and a copy  
22 of the Electronic Case Filing Receipt will be maintained with the original  
23 document(s) in our office.

John H. Donboli  
Sean Slattery  
Del Mar Law Group LLC  
322 8<sup>th</sup> Street, Suite 101  
Del Mar, CA 92014  
Tel: (858) 793-6244  
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## Attorneys For Plaintiffs

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on December 31, 2007, at San Diego, California.

/s/ Brandy L. Ellis  
Brandy L. Ellis